UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, Plaintiff	§ § §	
v.	§	CIVIL ACTION NO.
	§	
EIGHT FIREARMS, APPROXIMATELY 1321 ROUNDS OF AMMUNITION, AND THREE M-TYPE EXPLOSIVE DEVICES, Defendants	§ § § §	

COMPLAINT FOR FORFEITURE IN REM

The United States files this action for forfeiture *in rem* and alleges upon information and belief:

Nature of the Action

1. This is an action to forfeit firearms, ammunition, and explosive materials to the United States pursuant to 18 U.S.C. § 924(d)(1) and 18 U.S.C. § 844(c)(1).

Defendant Property

2. The Defendants are the following:

“**Defendant Firearms:**”

a). a German Sports Guns GSG-5P Pistol, .25 caliber (Serial Number A305859);

b). a Smith & Wesson SW40VE Pistol, .40 caliber (Serial Number DWK8688);

c). a Heritage Mfg., Inc., Rough Rider Revolver, .22 caliber (Serial Number J45770);

d). a Beretta, Pietro S.P.A. PX4 Storm Pistol, .40 caliber (Serial Number PY141784);

e). Unknown manufacturer, Revolver, Unknown caliber (Serial Number 10409);

f). a Winchester SXP Shotgun, 12 gauge (Serial Number 12AZY15489);

g). a Mossberg 472 Rifle, .30-30 caliber (Serial Number 852815); and

h). a Benelli, S.P.A. Nova Ducks Unlimited Shotgun, 12 gauge (Serial Number V096636).

"Defendant Ammunition:"

i). 951 Rounds of .22 caliber ammunition;

j). 55 Rounds of 12 gauge ammunition;

k). 96 Rounds of .40 caliber ammunition;

l). 213 Rounds of .30-30 caliber ammunition; and

m). 6 Rounds of .45 caliber ammunition.

"Defendant Explosives:"

j). 3 M-Type Explosive Devices.

3. On or about September 16, 2016, law enforcement officers seized the Defendant Firearms, Ammunition, and Explosives from the residence of Kristopher Walker ("Walker") in Plantersville, Texas. The Defendant Firearms, Ammunition, and Explosives are being stored in Houston, Texas.

4. Walker filed a claim to the Defendant Firearms, Ammunition, and Explosives with the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), which has halted the agency's forfeiture proceeding of the Defendant Firearms, Ammunition, and Explosives. Walker claims that he is the owner of the Defendant Firearms, Ammunition, and Explosives.

5. Defendant Firearms, Ammunition, and Explosives have each been shipped or transported in interstate commerce.

Jurisdiction and Venue

6. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355.

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1355(b)(1), 1391(b), and 1395.

Statutory Basis for Forfeiture

8. The Defendant Firearms and Ammunition are subject to forfeiture under 18 U.S.C. § 924(d)(1). The Defendant Explosives are subject to forfeiture under 18 U.S.C. § 844(c)(1).

9. Title 18, U.S.C., § 924(d)(1) provides for the forfeiture of any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g). Under Section 922(g)(1), it is unlawful for a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, to possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

10. Title 18, U.S.C., § 844(c)(1) provides for the forfeiture of any explosive materials involved or used or intended to be used in any violation of any criminal law of the United States. Under Title 18, U.S.C., § 842(i)(1), it is unlawful for a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to receive or possess any explosive which has been shipped or transported in or affecting interstate or foreign commerce.

Facts

11. On or about September 16, 2016, Deputies with the Grimes County Texas Sheriff's Department were investigating reports of explosions in an area in Grimes County, Texas. During the investigation, a white pickup truck registered to Walker was identified as leaving the area where an incident involving explosives had occurred. Law enforcement officers also learned that the same truck was identified as being involved in an incident involving explosives in Waller County, Texas.

12. Law enforcement officers obtained a state search warrant for Walker's residence, which was a travel trailer, in Plantersville, Texas. During the search, local law enforcement requested the assistance of ATF Agents to conduct the search when they encountered what they believed to be evidence of explosive manufacturing.

13. Law enforcement officers, among other things, found Defendant Ammunition and Explosives, and seized those items. During a later inventory of Walker's travel trailer, Agents found Defendant Firearms hidden in a compartment in the trailer.

14. Agents ran a criminal history background on Walker and learned that he has been convicted of multiple felony offenses.

15. On or about February 7, 2017, Walker pleaded guilty in the United States District Court for the Southern District of Texas to unlawful possession of a firearm by a convicted felon in case number 4:16-CR-463, before United States District Court Judge Nancy F. Atlas. Walker is currently awaiting sentencing in that case.

16. The Defendant Firearms and Ammunition, therefore, are subject to forfeiture because they were involved in a knowing violation of 18 U.S.C. § 922(g). The Defendant Explosives are subject to forfeiture because they were involved in a knowing violation of 18 U.S.C. § 842(i)(1).

Notice to Any Potential Claimants

YOU ARE HEREBY NOTIFIED that if you assert an interest in Defendant Firearms, Ammunition, and Explosives which are subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. A verified claim must be filed no later than thirty-five (35) days from the date this Complaint has been sent in accordance with Rule G(4)(b).

An answer or motion under Rule 12 of the Federal Rules of Civil Procedure must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas at United States Courthouse, 515 Rusk Avenue, Houston, Texas 77002, and a copy must be served upon the undersigned Assistant United States Attorney at United States Attorney's Office, 1000 Louisiana, Suite 2300, Houston, Texas 77002.

Prayer

Wherefore, the United States of America prays that judgment of forfeiture be entered against the Defendant Firearms, Ammunition, and Explosives in favor of the United States of America under 18 U.S.C. §§ 924(d)(1) and 844(c)(1) in addition to such costs and other relief to which the United States of America may be entitled.

Respectfully submitted,

Abe Martinez
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Verification

I, Jason W. Bean, a Special Agent with the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, declare under the penalty of perjury, as provided by 28 U.S.C. § 1746, that I have read the foregoing Verified Complaint for Civil Forfeiture In Rem and Notice to Potential Claimants, and that the facts stated in that Complaint are based upon my personal knowledge, upon information obtained from other law enforcement personnel, or upon information I obtained in the course of my investigation, and they are true and correct to the best of my knowledge and belief.

Executed on the 10th day of April, 2017.

Jason W. Bean
Special Agent
Bureau of Alcohol, Tobacco, Firearms, and Explosives